SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No: 3/LD/2005 **Dated:20/9/2005**

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 7th September, 2005 is hereby published for general information:-

THE SIKKIM SALES TAX (AMENDMENT) ACT, 2005
(ACT NO. 11 OF 2005)
AN
ACT

further to amend the Sikkim Sales Tax Act, 1983.

Be it enacted by the Legislature of Sikkim in the Fifty-sixth year of the Republic of India as follows: -

Short title, extent and commencement

1. (1) This Act may be called the Sikkim Sales Tax (Amendment) Act, 2005.
(2) It extends to the whole of Sikkim.
(3) It shall come into force at once.

Substitution of section 5A

2. In the Sikkim Sales Tax Act, 1983, (hereinafter referred to as the said Act) for the existing section 5A, the following shall be substituted, namely: -

"5A (1) Every dealer dealing in lottery tickets who has been registered on application made under Sikkim Sales Tax Act, 1983, for so long as his registration remains in force, is liable to pay tax under this Act.
(2) Levy and rates on sale of tickets: -
The tax payable by a dealer on sale of lottery tickets, who is liable to pay tax under this section on his taxable turnover of sales, shall be levied at the such part of his taxable turnover of sales which represents sales of lottery tickets.

Illustration: -

A dealer selling five hundred tickets shall be liable to pay twenty percent of sale price of the five hundred tickets sold, as sales tax.

(3) Compounded rate of tax on sale of lottery tickets: -

(a) Any dealer of lottery tickets registered under this Act and liable to pay tax on sales made in the State of Sikkim, may, at his option, pay the tax in lieu of tax payable under sub-section (2) of section 5A at such compounded rate as prescribed in the Schedule appended herewith.

(b) The tax payable at a compounded rate prescribed in the Schedule referred to in clause (a) of sub-section (3) shall be paid by the dealer to the Government in the manner as may be prescribed.

(c) Any dealer who intends to opt for payment under clause (a) of sub-section (3) shall make an application for permission to the Commissioner in such manner as may be prescribed.

(d) After verification as may be deemed necessary, the Commissioner, if satisfied, may grant, permission to the applicant who applies for permission under clause (c) of sub-section (3) of section 5A.

SCHEDULE

Sl. No.	Type of draw on the basis of price of ticket.	Compounded rate per draw.
01	Draw for tickets having a price upto Re.1/-	Rs.5,000/-
02	Draw for tickets having a price above Re.1/- and upto Rs.2/-	Rs.10,000/-
03	Draw for tickets having a price above Rs.2/- and upto Rs.5/-	Rs.15,000/-
04	Draw for tickets having a price above Rs.5/- and upto Rs.10/-	Rs.20,000/-
05	Draw for tickets having a price above Rs.10/- and upto Rs.20/-	Rs.25,000/-
06	Draw for tickets having a price above Rs.20/- but less than Rs.50/-	Rs.30,000/-
07	Draw for tickets having a price of Rs.50/- and above	Rs.50,000/-

(4) (a) The dealer of lottery tickets liable to pay tax under this section shall furnish statements of each draw within seven days from the date of draw in the form and manner as may be prescribed.

(b) Notwithstanding anything contained in section 11, such dealer shall furnish quarterly returns within thirty days from the last day of the end of each quarter along with the proof of payment of tax, in such form and manner as may be prescribed."

Insertion of new item in Schedule II

3. In the said Act, in Schedule II, after serial number 200, the following serial number shall be added, namely, -

"201 Lottery tickets 20%."

Repeal and Savings

4. (1) The Sikkim Sales Tax (Amendment) Ordinance, 2005 (Ordinance No. 1 of 2005) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under that Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such things was done or such action was taken.

BY ORDER.

R. K. PURKAYASTHA, SSJS
Legal Remembrancer-cum-Secretary Law
Government of Sikkim, Gangtok
File No. 16 (82)LD/2005